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10/562,883

12/29/2005

Michael Jirousek

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

KAYRISH, MATTHEW

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,883

Applicant(s)

JIROUSEK ET AL.

Examiner

Matthew G. Kayrish

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because figures 1a thru 1i are difficult to interpret and do not clearly display the claimed invention. Appropriate correction is necessary because clear drawings are necessary for proper understanding of the claimed invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2627

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, parenthesis is provided in the claims, which fail to further limit the claimed invention. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 5, 8-10, 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (US Patent Number 4862445), in view of Maeda et al (US Patent Number 5878013).

Regarding claim 1, Sasaki discloses:

A device (column 1, lines 6-12) for scanning a disc-shaped data carrier (figure 2, item D) and a data carrier plate (figure 11, item 400), which data carrier plate features a receptacle for the data carrier and with a transport system (column 3, lines 30-39) which is held adjustably between a loading position (figure 1, out position) and an operating position (figure 11, in position) for transporting the data carrier between an inlay position (figure 2) and a scanning position (figure 11), in which scanning position the data carrier

is located on the data carrier plate for scanning (figure 11, scanning occurs on item 10), and with guide elements (figure 3, item 210), which guide elements are designed in such a way that the data carrier can be displaced by a combined slide and swivel (figures 5-8 display slide and swivel) action between the inlay position and where the scanning position is at a higher level than the inlay position (columns 1 & 2, lines 25-29 & 5-8).

Sasaki fails to specifically disclose:

A pivotable data carrier plate.

Maeda discloses:

A pivotable data carrier plate (figures 5c & 5d, item 10 is pivotable).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the disc device of Sasaki with a pivotable data carrier plate, as taught by Maeda, because the turntable may otherwise be in the way when retracting the disc into the disc drive.

Regarding claim 5, Sasaki and Maeda disclose the features of base claim 1, as stated in the 103 rejection above, Sasaki further disclosing:

There are drive means provided on at least one side of the transport system (figure 3) for the purpose of driving the data carrier between the loading position and the operating position (column 4, lines 14-35).

Regarding claim 8, Sasaki and Maeda disclose the features of base claim 5, as stated in the 103 rejection above, Sasaki further disclosing:

The drive means take the form of a gear drive device (figure 3, item 730 & 731).

Regarding claim 9, Sasaki and Maeda disclose the features of base claim 5, as stated in the 103 rejection above, Sasaki further disclosing:

Which the drive means take the form of a belt drive device (figure 3, item 722).

Regarding claim 10, Sasaki and Maeda disclose the features of base claim 5, as stated in the 103 rejection above, Sasaki further disclosing:

There are detection means for detecting a dynamic effect on the transport system in its loading position, which detection means are connected to the drive means for driving the transport system (column 6, lines 33-35).

Regarding claim 12, Sasaki and Maeda disclose the features of base claim 1, as stated in the 103 rejection above, Sasaki further disclosing:

There are locking elements for locking the transport device in its end operating position (figure 4, items 231 & 752a).

Regarding claim 13, Sasaki and Maeda disclose the features of base claim 1, as stated in the 103 rejection above, Sasaki further disclosing:

The transport system is essentially arranged in the vertical middle of the device (figure 2).

Claims 2-4, 11 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki and Maeda et al, as applied to claim 1 above, and further in view of Koken et al (US Patent Number 4672598).

Regarding claims 2 and 14, Sasaki and Maeda disclose the features of base claim 1, as stated in the 103 rejection above, Sasaki further disclosing:

A tray (figure 3, item 200), to hold the data carrier (figure 2, item D), which tray executes both a sliding action and a swivel action during the displacement of the data carrier between the inlay position and the scanning position, relative to the main element (figures 5-8 display sliding and swiveling of the tray).

Sasaki fails to specifically disclose:

The transport system comprises a main element, which main element only executes a sliding action during the displacement of the data carrier between the inlay position and the scanning position, wherein the tray is movably arranged on the main element.

Koken discloses:

The transport system comprises a main element (figure 1, item 10), which main element only executes a sliding (figures 2-4 display sliding) action during the displacement of the data carrier between the inlay position (figure 1) and the scanning position (figure 4), and a tray (figure 1, item 24), movably arranged on the main element, to hold the data carrier (figure 2, item 21), which tray executes a sliding action (tray slides inward with main transport) during the displacement of the data carrier between the inlay position and the scanning position, relative to the main element (figures 2-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the tray of Sasaki with the main transport of Koken, because the main transport of Koken sliding tray with Maeda's swiveling tray will

ensure that the front edge is raised above the spindle motor as the main transport element is retracted into the disc drive.

Regarding claim 3, Sasaki, Maeda and Koken disclose the features of base claim 2 as stated in the 103 rejection above, and Koken further disclosing:

The main element (figure 1, item 10) and the tray (figure 1, item 24) are linked via two sliding blocks (figure 1, items 15 & 16), which slide along guide elements (figure 1, items 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide sliding blocks and the guide elements, as taught by Koken, because the sliding blocks and grooves allow the tray portion to be movable up and down relative to the main transport, as stated in column 6, lines 21-28.

Regarding claim 4, Sasaki, Maeda and Koken disclose the features of base claim 3 as stated in the 103 rejection above, and Koken further disclosing:

The sliding blocks possess a slot (figure 1, items 27) or such like for forming a link guide to hold a portion of the tray causing the tray to be forced into a swivel action during movement of the sliding blocks relative to the main element.

Regarding claim 11, Sasaki, Maeda and Koken disclose the features of base claim 3 as stated in the 103 rejection above, and Koken further disclosing:

There is a pressure device (figure 2, item 38) for pressing the data carrier, which is in its scanning position, onto the data carrier plate, which pressure device is connected to the sliding blocks (column 7, lines 22-37).

Claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki and Maeda et al, as applied to claim 5 above, and further in view of Shiomi (US Patent Number 6021104).

Regarding claim 6, Sasaki and Maeda disclose the features of base claim 5, as stated in the 103 rejection above, but fail to specifically disclose:

There are drive means provided on each side of the transport system for the purpose of driving the transport system.

Shiomi discloses:

There is drive means provided on each side of the transport system (figure 3, items 30A & 30B) for the purpose of driving the transport system (columns 8 & 9, lines 66-67 & 1-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a driving means on both sides of the tray, as taught by Shiomi, because this will ensure that the tray is retracted straight, compared to a single sided drive means which can cause the tray to become cockeyed during retraction.

Regarding claim 7, Sasaki, Maeda and Shiomi disclose the features of base claim 6, as stated in the 103 rejection above, Shiomi further disclosing:

The drive means are coupled to either side of the transport system and are driven by a shared motor (figure 4, item 74).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

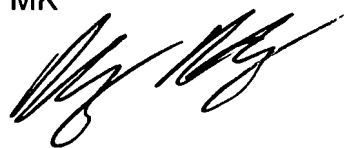
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish

6/8/2007

MK



6/8/2007



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER